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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/751,253 | 12/28/2000 | Tatsuo Takaoka | 2271/63845 | 8623 |
| 7590 | 07/15/2004 | | EXAMINER | |
| Ivan S. Kavrukov Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036 | | | LETT, THOMAS J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2626 | |
| | | | DATE MAILED: 07/15/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-----------------|-----------------|--|
| Application No. | Applicant(s) | |
| 09/751,253 | TAKAOKA, TATSUO | |
| Examiner | Art Unit | |
| Thomas J. Lett | 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 December 2000.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) 3,10 and 17 is/are allowed.
6) Claim(s) 1,2,4-9,11-16, and 18-23 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
10) The drawing(s) filed on 28 December 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5,6.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because each of steps S202, S203, S206 of Fig. 7B, and step S502 of Fig. 14 contain a spelling error of the term "SPECIFY". Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the term "process" should be inserted between the terms "YES," and "proceeds" (p20, line 21).

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: the term "end" should be changed to read "ends" (p26, line 9). Appropriate correction is required.

Claim Objections

4. Claim 23 is objected to because of the following informalities: the phrase "indicative of availability" should be changed to read "information indicative of availability". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Danahy et al (US Patent 5,758,077). Danahy et al discloses a service monitor 30 stores service availability responses (col 3, lines 7-9) of a host computer 226 which reads on information storage for indicative of availability of one or more communication services provided by one or more service providers,

report whether each service is functional, non-functional or partially functional (col 3, lines 54-56), which reads on condition information suitable for the respective communication services, and 3) message information indicative or whether the respective one or more communication services are usable;

the service monitor periodically interrogates each host computer in the functional entity with a set of queries; records responses thereto and employs the responses to determine if a change in status of any of the services has occurred (Abstract, lines 20-24), which reads on detection facilities communicating with said information storage in relation to an initiation of a call connection operation seeking to use a selected communication service to detect if the selected communication service is suitable in relation to condition information stored in said information storage;

and

if a change in status is determined, the change is indicated to the user (Abstract, lines 24-25), which reads on an indicating facility communicating with said information storage in relation to a detection by the detection facility that the selected communication service is not suitable to provide an indication thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 1, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,654,453) in view of Danahy et al (US Patent 5,758,077). Malik discloses

a system connected to a PSTN that includes a seed database storing information regarding availability of the service to the subscriber (col 4, lines 10-11), which reads on a first memory which stores service information including availability information representing availability of a specific communications service provided by a service provider through said at least one of the telephone line and the local area network and condition information suitable for said specific communications service;

an SPA 80 may not write to the seed database 60, but instead only reads it to determine the availability of a service (col 6, lines 34-36) and the SPA 80 determines that a service is no longer available to a subscriber (col 6, lines 56-57), which reads on a second memory which stores message information indicating that said specific communications service is not usable.

Malik does not disclose expressly a detector configured to detect whether said service information stored in said first memory is appropriate each time said communications terminal starts a call connection operation to use said specific communications service based on said condition information; and an indicating mechanism configured to read said first memory and to indicate said message information indicating that said specific communications service is not usable when said detector detects that said service information stored in said first memory is inappropriate. Danahy et al discloses a service monitor 30 periodically interrogates each host computer in the functional entity with a set of queries; records responses thereto and employs the responses to determine if a change in status of any of the services has occurred (Abstract, lines 20-24) which reads on the detector, and if a

change in status is determined, the change is indicated to the user (Abstract, lines 24-25) which reads on the indicator. Malik and [Reference B] are analogous art because they are from the similar problem solving area of services control. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of indicator and detector feature of Danahy et al to the seed database of Malik in order to obtain an apparatus to effectively control services. The motivation for doing so would be to actively detect and indicate status of services.

Claims 8 and 15 are apparatus and method claims, and are rejected for the same reasons as those of claim 1.

8. Claims 2, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,654,453) in view of Danahy et al (US Patent 5,758,077) and further in view of Stuckman et al (US Patent 6,618,478). Malik in view of Danahy et al fails to disclose a

facsimile apparatus comprising a third memory which stores guidance information for guiding a way to eliminate a cause due to which said specific communications service is not usable, wherein said indicating mechanism is further configured to read said third memory and to indicate said guidance information upon a predetermined input for starting a guidance indication operation after said indicating mechanism indicates said message information indicating that said specific communications service is not usable.

Stuckman et al discloses memory 36 may have first help information 40 specific to a first telephone service associated with a first telephone service key 42, second help information 44 specific to a second telephone service associated with a second

telephone service key 46 (col 3, lines 55-61) and memory 36 also may store a corresponding telephone service code associated with each of the telephone service keys 22 (col 3, lines 66-67). Malik in view of Danahy et al and Stuckman et al are analogous art because they are from the similar problem solving area of using guidance or help information to overcome a problem with service. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Stuckman et al to Malik in view of Danahy et al in order to obtain a troubleshooting means. The motivation for doing so would be to start a guidance operation to troubleshoot a communications service.

Claims 9 and 16 are apparatus and method claims, and are rejected for the same reasons as those of claim 2.

9. Claims 4, 5, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,654,453) in view of Danahy et al (US Patent 5,758,077) and further in view of Stuckman et al (US Patent 6,618,478).

With respect to claim 4, Malik in view of Danahy et al fail to disclose a second memory further stores guidance information for guiding a way to eliminate a cause due to which said specific communications service is not usable and said indicating mechanism indicates said message information indicating that said specific communications service is not usable and said guidance information when said detector detects that said service information stored in said first memory is inappropriate. Stuckman et al discloses memory 36 may have first help information 40 specific to a first telephone service associated with a first telephone service key 42, second help

information 44 specific to a second telephone service associated with a second telephone service key 46 (col 3, lines 55-61) and memory 36 also may store a corresponding telephone service code associated with each of the telephone service keys 22 (col 3, lines 66-67). Malik in view of Danahy et al and Stuckman et al are analogous art because they are from the similar problem solving area of using guidance or help information to overcome a problem with service. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the help feature of Stuckman et al to Malik in view of Danahy et al in order to obtain a troubleshooting means. The motivation for doing so would be to start a guidance operation to troubleshoot a communications service.

With respect to claim 5, Malik in view of Danahy et al do not disclose a communications terminal as defined in Claim 4, wherein said indicating mechanism indicates said message information and said guidance information with a display. Stuckman discloses that the help information may be retrieved from a database within the telephone set. In this case, the help information specific to the actuated one of the telephone service keys is presented in a visible, textual form using a telephone display unit (col 2, lines 28-33). Malik in view of Danahy et al and Stuckman et al are analogous art because they are from the similar problem solving area of using guidance or help information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the help feature of Stuckman et al to Malik in view of Danahy et al in order to obtain a display means. The motivation for doing so would be to visually output guidance or help information to overcome a problem with service.

With respect to claim 6, Malik in view of Danahy et al do not disclose a communications terminal as defined in Claim 4, wherein said indicating mechanism sends said message information and said guidance information to a sound mechanism to output said message information and said guidance information as a voice message. Stuckman discloses that the help information may be retrieved from a database within the telephone set. In this case, the help information specific to the actuated one of the telephone service keys is presented in an audible form using a telephone speaker (col 2, lines 28-31). Malik in view of Danahy et al and Stuckman et al are analogous art because they are from the similar problem solving area of using guidance or help information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the help feature of Stuckman et al to Malik in view of Danahy et al in order to obtain a display means. The motivation for doing so would be to audibly output guidance or help information to overcome a problem with service.

With respect to claim 7, Malik in view of Danahy et al do not disclose a communications terminal as defined in Claim 4, wherein said indicating mechanism sends said message information and said guidance information to a printing apparatus to output said message information and said guidance information on a recording sheet. Stuckman discloses that in response to a depression of the help key, a list of basic operating procedures is printed by the facsimile machine (col 1, lines 58-60). Malik in view of Danahy et al and Stuckman et al are analogous art because they are from the similar problem solving area of using guidance or help information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the

print feature of Stuckman et al to Malik in view of Danahy et al in order to obtain a means for printing help information. The motivation for doing so would be to print guidance or help information to overcome a problem with service.

Claims 11 and 18 are apparatus and method claims, and are rejected for the same reasons as those of claim 4.

Claims 12 and 19 are apparatus and method claims, and are rejected for the same reasons as those of claim 5.

Claims 13 and 20 are apparatus and method claims, and are rejected for the same reasons as those of claim 6.

Claims 14 and 21 are apparatus and method claims, and are rejected for the same reasons as those of claim 7.

Allowable Subject Matter

10. Claims 3, 10, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to:

TJL

7JL

Scott Morgan

SCOTT ROGERS
PRIMARY EXAMINER